

REMARKS

Reconsideration of the present application is respectfully requested.

Claims 1, 2, 6, 10, 11 and 13 stand rejected under 35 USC §112 for the reasons noted in the office action. In addition, claims 1, 9 and 10 stand objected to for supposedly being ambiguous. In response, Applicant has amended claims 1 and 9 in a manner that is believed to address both the §112 rejections and the ambiguity findings. Therefore, Applicants respectfully request that the outstanding §112 and ambiguity objections be withdrawn.

Claim 9 stands rejected under 35 USC §102(e) over Greco et al. Applicant respectfully disagrees, but believes that the amendments made to claim 9 to address the earlier rejection and objection better prevent the claim from being misread onto anything fairly taught by Greco et al. In particular, claim 9 specifically requires that each one of a plurality of leak diagnostic ports be fluidly connected to a different one of the leak lines. Since a §102(e) rejection requires that a reference disclose exactly what an Applicant has claimed, and because Greco et al. does not do this, Applicant respectfully requests that the outstanding rejection based upon Greco et al. be withdrawn.

Claims 9-11 and 17-19 stand rejected under 35 USC §102(e) over Hutchinson et al. Applicant respectfully disagrees since the MPEP and relevant case law require that a reference disclose exactly what an Applicant has claimed in order to support a §102(e) rejection. In this case, there is apparently no dispute that Hutchinson et al. only shows one thing (valve 96) that has been, or could be, characterized as a diagnostic port. However, Applicants claims clearly require a plurality of diagnostic ports. Thus, because Hutchinson et al. would have to be modified in order to meet the limitations required by claim 9, it can not support a §102(e) rejection, and Applicant respectfully requests that the same be withdrawn.

With regard to claims 17-19, the office action is inconsistent with its treatment of the supposed diagnostic port taught by Hutchinson et al. In particular, Applicants claims specifically require that different diagnostic ports be checked in order to find a leak, not the same diagnostic port being opened on a periodic bases as shown in Hutchinson and asserted in the office action. Therefore, because even the office action implicitly

acknowledges that Hutchinson et al. fails to a plurality of diagnostic ports, Applicant respectfully requests that the outstanding rejections against claims 17-19 be withdrawn.

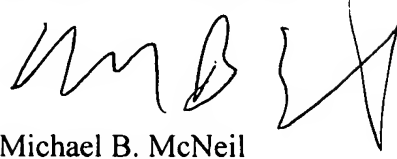
Claims 1, 3, 4, and 12 stand rejected under 35 USC §103(a) over Greco et al. While it is true that Greco et al. teaches a system and method for detecting a leak in a high pressure fuel system via a wet sensor, it contains no teaching suggestion or incentive for how that system can be modified to include features that allow the leak location to be diagnosed, let alone be diagnosed in a manner required by Applicant's claims. In one aspect, Applicant's system includes a single wet sensor that detects and alerts an operator when a leak is detected anywhere in a high pressure fuel system, and then utilizes separate diagnostic ports for use in identifying where the leak originated in the system. Thus, the claimed invention is clearly a patentable improvement over Greco et al., and Applicant respectfully requests that the outstanding §103 rejections be withdrawn.

Claims 2, 5, 7, 8, 14-16 and 20 stand objected to as being allowable but depending upon a rejected base claim. In response, Applicants believe that the clarifying amendments made to claims 1, 9 and 10 put the entire claim set in condition for allowance. Therefore, Applicant has declined amending any of the claims into independent form at this time. Nevertheless, Applicant appreciates the indication of allowable subject matter.

Applicant respectfully points out that the Information Disclosure Statement, which included a list of patent references and a second form identifying a literature document were not received as initialed copies with the recent office action. In a phone conversation with the Examiner, it appeared that the electronic record at the Patent Office indicates that those forms were indeed received. Therefore, Applicant respectfully requests initialed copies of those forms in any subsequent correspondence regarding this application.

This application is now believed to be in condition for allowance of claims 1-20. However, if the Examiner believes that some minor additional clarification would put this application in even better condition for allowance, the Examiner is invited contact the undersigned attorney at (812) 333-5355 in order to hasten the prosecution of this application.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'MB' followed by a stylized flourish.

Michael B. McNeil
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